

DEFAULT ENTERED

1/24/14
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11 *Counsel for Plaintiff and the putative class*

12 **UNITED STATES DISTRICT COURT**

13 **NORTHERN DISTRICT OF CALIFORNIA**

14 DAVID TRINDADE, individually and on
15 behalf of all others similarly situated,

16 *Plaintiff,*

17 v.

18 REACH MEDIA GROUP, LLC, a Delaware
limited liability company,

19 *Defendant.*

20 REACH MEDIA GROUP, LLC, a Delaware
21 limited liability company,

22 *Third-Party Plaintiff,*

23 v.

24 RYAN LENAHA, individually, KYLE
25 DANNA, individually, and EAGLE WEB
ASSETS INC., an Illinois corporation,

26 *Third-Party Defendants.*

Case No. 5:12-cv-04759 (PSG)

**PLAINTIFF'S REQUEST FOR ENTRY OF
DEFAULT AGAINST REACH MEDIA
GROUP, LLC**

Judge: Honorable Paul Singh Grewal
Action Filed: September 12, 2012

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

2 Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, Plaintiff David Trindade
3 ("Trindade" or "Plaintiff"), by and through his undersigned counsel, hereby respectfully requests
4 that the Clerk of the Court enter a default against Defendant Reach Media Group, LLC ("RMG" or
5 "Defendant"), in this matter. In support of the instant request, Plaintiff Trindade states as follows:

6 1. Trindade filed his putative class action complaint (the "Complaint") in this Court on
7 September 12, 2012, and thereafter served Summons and the Complaint on Defendant RMG. (Dkt.
8 1.)

9 2. In his Complaint, Trindade alleges, individually and on behalf of a nationwide class
10 of similarly situated individuals, that RMG repeatedly made (or directed to be made on its behalf)
11 unsolicited text message calls to consumers in an effort to drive them to information collection
12 websites and online payday loan offers, in violation of the Telephone Consumer Protection Act, 47
13 U.S.C. § 227, *et seq.* (the "TCPA"). (*Id.*)

14 3. On October 4, 2012, Defendant RMG appeared in this action through counsel. (Dkt.
15 5.)

16 4. On November 1, 2012, RMG answered Plaintiff's Complaint. (Dkt. 17.)

17 5. Shortly thereafter, on November 15, 2012, Defendant filed a cross-complaint against
18 Ryan Lenahan and Kyle Danna, in their individual capacity, as well as against the entity Eagle Web
19 Assets, Inc. (the "Third-Party Complaint," and the "Third-Party Defendants," respectively). (Dkt.
20 22.)

21 6. In response, on January 11 and January 18, 2013, the Third-Party Defendants filed a
22 motion to dismiss, as well as a separate motion strike, the Third-Party Complaint, respectively, and
23 in the following months, RMG and the Third-Party Defendants continued to litigate their claims
24 against each other. (*See generally* Dkts. 38-48.)

25 7. On November 7, 2013, RMG's counsel moved for leave to withdraw as counsel of
26 record, explaining that "RMG ha[d] knowingly and freely consented to DLA Piper's withdrawal in
27
28

1 this matter.” (Dkt. 70.) The Court granted counsel’s request to withdraw the next day. (Dkt. 71.)

2 8. Since counsel’s withdrawal, no further appearances have been made on behalf of
3 RMG, and RMG has not indicated that it intends to retain further counsel or to defend itself in this
4 matter.

5 9. On December 17, 2013, the Court held a status conference. During the conference,
6 Plaintiff’s counsel informed the court of the above-described events and circumstances, and further
7 explained that as a result, Plaintiff intended to seek a default against RMG. (Dkt. 75.) Since that
8 time, RMG has made no effort to communicate with Plaintiff’s counsel or otherwise engaged in the
9 litigation of this matter.

10 10. Accordingly, and as previously explained to the Court, because RMG has failed to
11 defend this matter, and similarly has not indicated any intention to defend in the future, good cause
12 exists for the entry of a default against it pursuant to Fed. R. Civ. P. 55(a).

13 **WHEREFORE**, Plaintiff David Trindade, by and through his undersigned counsel, hereby
14 respectfully requests that the Clerk of the Court enter a default against Defendant Reach Media
15 Group, LLC in this action.

16 Respectfully submitted,

17 **DAVID TRINDADE,**

18 Dated: January 16, 2014

By: /s/ Benjamin H. Richman
One of Plaintiff’s Attorneys

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